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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,553	03/30/2004	Johannes Ruetschi	2003P19276 US	3401
7590 09/27/2007 Elsa Keller Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER SAMS, MATTHEW C	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,553	<b>Applicant(s)</b> RUETSCHI, JOHANNES	
	<b>Examiner</b> Matthew C. Sams	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/20/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 7/20/2007 have been fully considered but they are not persuasive.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "prodding can be initiated..." Page 8 Para 2) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. In response to the applicant's argument regarding Murray that "Murray monitors a stored schedule, not the current location and presence of user devices" (Page 8 Para 4), the examiner disagrees.

The applicant's invention is also monitoring a stored schedule because as stated in claim 1, the "identity context reminder service monitoring said plurality of communications devices for current location and presence status and comparing said current location and presence status for inconsistencies with an expected location and presence", which is clearly having a network service compare where a mobile device/user is currently located and where the network service believes the mobile device/user should be located at the scheduled time. Murray gives examples of a user being expected to attend specific events (Fig. 3 [Event 1-N]), but it appears to the examiner that the applicant is trying to claim a completely scheduled day, with any deviation requiring a reminder of the inconsistency. It is the examiner's opinion that the examples taught by Murray meet the applicant's claimed limitations.

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "between events, the device user 68 can be using other devices, traveling to distant locations, even out of the country, unnoticed and unprodded by the Murray application server" Page 9) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant should consider differentiating in the claims, the location of the user compared to the user's device, along with adding the fact of being simultaneously logged into multiple communication devices that maintain conflicting presence

information (*i.e.* in a meeting/at the gym) in order to overcome the teaching of Murray. Further, every communication device is inherently identifiable with at least one system user. (*i.e.* someone is paying the bill for operating the device)

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Murray (US-6,484,033).

Regarding claim 1, Murray teaches a communication system comprising:

a plurality of communications devices communicating with each other over a network; (Fig. 1 [60, 62 & 66])

a storage on said network storing location and presence information about system users, each of said plurality of communications devices being identifiable with at least one system user; (Col. 4 line 60 through Col. 5 line 43) and

an identity context reminder service monitoring said plurality of communications devices for current location and presence status and comparing said current location and presence status for inconsistencies with an expected location and presence from stored said location and presence information, said identity context reminder service selectively providing a reminder to respective communications device of said plurality of

communications devices responsive to an inconsistency. (Fig. 6 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 2, Murray teaches a presence service receiving presence status from said plurality of communication devices and providing received said presence status to said identity context reminder service. (Fig. 10 & Fig. 11)

Regarding claim 3, Murray teaches at least one said reminder indicates that said respective communication device is at a location other than a previously scheduled expected location. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 4, Murray teaches a location service receiving location status from said plurality of communications devices and providing received said location status to said identity context reminder service. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 5, Murray teaches at least one said reminder indicates that a user identified to said respective communications device is at a location other than an expected location. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 6, Murray teaches a notification service, said identity context reminder service identifying a selected one of said plurality of communications devices and said notification service providing said reminder to said selected one. (Fig. 2 [108], Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 7, Murray teaches the notification service is a text based messaging service. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 8, Murray teaches the text based messaging service is selected from the group consisting of e-mail, instant messaging and short message service (SMS). (Col. 3 lines 24-63)

Regarding claim 9, Murray teaches an identity context reminder client on at least one communications device of said plurality of communications devices, said identity context reminder client facilitating managing identity context reminder notifications from said at least one communications device. (Fig. 2 & Fig. 3)

Regarding claim 10, Murray teaches at least one of said communications devices is a mobile station in a cellular phone network. (Fig. 1, Fig. 2 & Fig. 3)

Regarding claim 11, Murray teaches the storage is a central storage and said identity content service is located on a server with said central storage (Fig. 1 [76]), and said communications system further comprises a rules based engine on said server monitoring said current location and presence status on said plurality of communications devices and providing said identity context reminder service. (Fig. 6 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 12, Murray teaches a method of maintaining location and presence status current in a communications system including a plurality of communications devices networked together said method comprising the steps of:

storing location and presence information for a user identified with one or more communications devices; (Col. 4 line 60 through Col. 5 line 43)

monitoring a plurality of communications devices for current location and presence status; (Fig. 3 [111] and Col. 4 line 60 through Col. 5 line 43)

comparing said current location and presence status to stored said location and presence information to identify inconsistencies; (Fig. 6 and Col. 4 line 60 through Col. 5 line 43) and

sending a notification to a corresponding one of said one or more communications devices. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 13, Murray teaches the notification is provided as a text message displayed by at least one of said one or more communications devices. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 14, Murray teaches the step of updating stored location and presence information. (Col. 4 line 60 through Col. 5 line 43 and Fig. 3 [111])

Regarding claim 15, Murray teaches one or more communications devices are identified with a particular communications system user, said stored location and presence information for said particular communications system user being updated and managed from said one or more communications devices. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 16, the limitations of claim 16 are rejected as being the same reasons set forth above in claim 12.

Regarding claim 17, the limitations of claim 17 are rejected as being the same reasons set forth above in claim 13.



Regarding claim 18, Murray teaches the text messaging services comprise e-mail, instant messaging and short message service (SMS). (Col. 3 lines 24-63).

Regarding claim 19, the limitations of claim 14 are rejected as being the same reasons set forth above in claim 14.

Regarding claim 20, Murray teaches a computer program product for managing location and presence information for a user associated with a communications device amongst a plurality of communications devices networked together in a communications system, said communications device providing location and presence information to said communication system, said computer program product comprising a computer usable medium having computer readable program code thereon, said computer readable program code comprising:

computer program code means for providing current location and presence status to a location context reminder service; (Col. 4 line 60 through Col. 5 line 43)

computer program code means for indicating receipt of reminders, received said reminders indicating inconsistencies between expected current said location and presence information and actual current said location and presence status; (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67) and

computer program code means for providing location and presence information updates to said location context reminder service. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 21, Murray teaches computer program code for indicating reminders comprises computer program code means for text messaging. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 22, Murray teaches computer program code means for text messaging is selected from a group consisting of:

computer program code means for sending and receiving e-mail; (Col. 3 lines 24-63)

computer program code means for instant messaging; (Col. 3 lines 24-63) and  
computer program code means for sending and receiving short message service (SMS) messages. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 23, Murray teaches a computer program code means for indicating reminders selects said computer program code means for text messaging from said group. (Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 24, the limitations of claim 24 are rejected as being the same reason set forth above in claim 12.

Regarding claim 25, the limitations of claim 25 are rejected as being the same reason set forth above in claim 13.

Regarding claim 26, the limitations of claim 26 are rejected as being the same reason set forth above in claim 14.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS  
9/19/2007

  
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SUPERVISORY PRIMARY EXAMINER